BILL NO. S-81-04-25

SPECIAL ORDINANCE NO. S-120-81

AN ORDINANCE transferring funds from Account Number 4-02-010-002-4215 "Council Travel", to Account Number 4-02-010-002-4101 and employing a special attorney

WHEREAS, a controversy has arisen with regard to the procedure to be followed under Indiana statutes pertaining to zoning ordinances; and,

WHEREAS, it is in the best interest of the residents and taxpayers of the City of Fort Wayne that such controversy be resolved as expeditiously as possible; and,

WHEREAS, the Common Council believes it to be in the best interest of the residents and taxpayers of the City of Fort Wayne, Indiana, that an attorney experienced in the field of zoning law be employed for the purpose of representing it in all matters pertaining to said controversy; and,

WHEREAS, the Common Council does not, at this time, desire to place an additional burden upon the city's general fund; and,

WHEREAS, funds exist in Account Number 4-02-010-002-4215 "Council Travel" which are available to be transferred to Account Number 4-02-010-002-4101 for use in the payment of said attorney.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Fort Wayne, Indiana:

Section 1. That attorney, Ralph Blume, be and hereby is employed as attorney for the Common Council for the purpose of initiating a declaratory judgment action together with any appeal therefrom which he may, in his professional judgment, deem necessary to determine proper procedure for amendatory zoning ordinances and, in particular, to

determine whether the vote of the Common Council on Bill No. Z-81-01-12 (as amended) is the final action to be taken on the bill.

Section 2. That there is hereby transferred from Account Number 4-02-010-002-4215, "Council Travel" and appropriated to the account of the 1981 budget numbered 4-02-010-002-4101, the amount remaining in said "Council Travel" account after date of enactment of this Ordinance.

Section 3. That the unexpended balance of Account Number 4-02-010-002-4215 "Council Travel" is hereby reduced by the amount specified in Section 2 hereof.

Section 4. That this Ordinance shall be in full force and effect from and after its passage, legal publication thereof, and approval by the Mayor.

Vivian G. Schmidt
COUNCILWOMAN

Approved as to Form and Legality

John H. Logan
John H. Logan, Attorney for the Common Council of the City of Fort Wayne, Indiana.

April 13, 1981

AUDITOR'S OFFICE
FILED
MAY 23 1981
Gloria J. Bieghler
AUDITOR OF ALLEN COUNTY

Read the first time in full and on motion by V. Schmidt seconded by Stier, and duly adopted, read the second time by title and referred to the Committee Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock M.,E.S.T.

DATE: 4-14-81

Charles W. Westerman
CHARLES W. WESTERMAN
CITY CLERK

Read the third time in full and on motion by V. Schmidt, seconded by Gia Quinta, and duly adopted, placed on its passage. PASSED (~~LOST~~) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	5	4			
BURNS		X			
EISBART	X				
GiaQUINTA	X				
NUCKOLS		X			
SCHMIDT, D.		X			
SCHMIDT, V.	X				
SCHOMBURG		X			
STIER	X				
TALARICO	X				

DATE: 5-12-81

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (~~ZONING MAP~~) (~~GENERAL~~) (ANNEXATION) (SPECIAL) (~~APPROPRIATION~~) ORDINANCE (~~RESOLUTION~~) No. S-120-81 on the 12th day of May, 1981.

ATTEST: (SEAL)

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

John Nuckols
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of May, 1981, at the hour of 11:30 o'clock A. M.,E.S.T.

Charles W. Westerman
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this 22nd day of May 1981, at the hour of 6 o'clock P. M.,E.S.T.

[signature]
WINFIELD C. MOSES, JR.
MAYOR

BILL NO. S-81-04-25

REPORT OF THE COMMITTEE ON FINANCE

WE, YOUR COMMITTEE ON Finance TO WHOM WAS REFERRED AN ORDINANCE transferring funds from Account Number 4-02-010-002-4215 "Council Travel" to Account Number 4-02-010-002-4101 and employing a special attorney

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE do PASS.

VIVIAN G. SCHMIDT, CHAIRMAN — Vivian G. Schmidt

JAMES S. STIER, VICE CHAIRMAN — James S. Stier

MARK E. GiaQUINTA — Mark E. GiaQuinta

PAUL M. BURNS

ROY J. SCHOMBURG

5-12-81
DATE CHARLES W. WESTERMAN, CITY CLERK

OFFICE OF THE CITY CLERK

THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

charles w. westerman, clerk -:- room 122

May 26, 1981

Ms. Virginia Grace
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, Indiana 46802

Dear Ms. Grace:

Please give the attached full coverage on the dates of May 30 and June 6, 1981, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, Indiana

Zoning Map Ordinances:

Bill No. Z-81-03-33
Zoning Map Ordinance No. Z-13-81

Bill No. Z-81-03-34
(as amended)
Zoning Map Ordinance No. Z-14-81

Bill No. S-81-04-25
Special Ordinance No. S-120-81

Bill No. G-81-03-43
(as amended)
General Ordinance No. G-08-81

Please send us 14 copies of the Publisher's Affidavit from both newspapers.

Thank you.

Sincerely,
Charles W. Westerman
Charles W. Westerman
City Clerk

CWW/ne
Encl: 1

AN EQUAL OPPORTUNITY EMPLOYER

LEGAL NOTICE

Notice is hereby given that on the 12th day of May, 1981, the Common Council of the City of Fort Wayne, Indiana in Regular Session did pass the following Bill No. S-81-04-25 -- Special Ordinance No. S-120-81, being AN ORDINANCE transferring funds from Account Number 4-010-002-4215 "Council Travel" to Account Number 4-02-010-002-4101 and employing a special attorney.

Notice is hereby given that on the 12th day of May, 1981, the Common Council of the City of Fort Wayne, Indiana in Regular Session did pass the following Bill No. G-81-03-43 (as amended) -- General Ordinance No. G-08-81, being AN ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF THE CITY OF FORT WAYNE, INDIANA OF 1974 AND SUPPLEMENTING SAID CHAPTER (ICE CREAM TRUCK)

Notice is hereby given that on the 12th day of May, 1981, the Common Council of the City of Fort Wayne, Indiana in Regular Session did pass the following Bill No. Z-81-03-33 -- Zoning Map Ordinance No. Z-13-81, being AN ORDINANCE amending the City of Fort Wayne Zoning Map Nos. L-7 and M-7

Notice is hereby given that on the 12th day of May, 1981, the Common Council of the City of Fort Wayne, Indiana in Regular Session did pass the following Bill No. Z-81-03-34 (as amended) -- Zoning Map Ordinance No. Z-14-81, being AN ORDINANCE amending the City of Fort Wayne Zoning Map No. N-27

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana do hereby certify that Bill No. S-81-04-25 -- Special Ordinance No. S-120-81; Bill No. G-81-03-43 (as amended) -- General Ordinance No. G-08-81; Bill No. Z-81-03-33 -- Zoning Map Ordinance No. Z-13-81; and Bill No. Z-81-03-34 (as amended) -- Zoning Map Ordinance No. Z-14-81, were passed by the Common Council on the 12th day of May, 1981, said Ordinances were signed and approved by the Mayor on the 22nd day of May, 1981, and remains on file and on record in my office.

Copies of Bill No. S-81-04-25 -- Special Ordinance No. S-120-81; Bill No. G-81-03-43 (as amended)-- General Ordinance No. G-08-81; Bill No. Z-81-03-33 -- Zoning Map Ordinance No. Z-13-81; and Bill No. Z-81-03-34 (as amended) -- Zoning Map Ordinance No. Z-14-81 will be posted for reading in the following places in Fort Wayne, Allen County, Indiana:

(1) The main floor of the City-County Building

(2) The bulletin board in the lobby of Downtown Fort Wayne Public Library

(3) The bulletin board in the lobby at the East door of the Allen County Court House

Copies of Bill No. S-81-04-25 -- Special Ordinance No. S-120-81; Bill No. G-81-03-43 (as amended) -- General ORdinance No. G-08-81; Bill No. Z-81-03-33 -- Zoning Map Ordinance No. Z-13-81; and Bill No. Z-81-03-34 (as amended) -- Zoning Map Ordinance No. Z-14-81 will be available for reading in the following places in Fort Wayne, Allen County, Indiana.

(1) Reference Room in the north end of the main floor in said Downtown Public Library

(2) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana

Charles W. Westerman
City Clerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, fufilled and posted the above ordinance in the designated places as stated on May 29, 1981.

Charles W. Westerman
City Clerk

Form Prescribed by State Board of Accounts — General Form No. 99 P(Rev. 1967)

Common Council of Fort Wayne
(Governmental Unit)

To NEWS-SENTINEL Dr.

Allen County, Ind

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display	Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) – number of equivalent lines	
Head	number of lines	
Body	number of lines	107
Tail	number of lines	2
	Total number of lines in notice	109

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I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana do hereby cartify that Bill No. S-81-04-25 — Special Ordinance No. S-120-81; Bill No. G-81-03-43 (as amended) — General Ordinance No. G-08-81; Bill No. Z-81-03-33 — Zoning Map Ordinance No. Z-13-81; and Bill No. Z-81-03-34 (as amended) — Zoning Map Ordinance No. Z-14-81, were passed by the Common Council on tha 12th day of May, 1981, said Ordinances were signed and approved by the Mayor on the 22nd day of May, 1981, and remains on file and on record in my office.

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(1) Reference Room in tha north and of the main floor in said Downtown Public Library.

(2) Tha Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana.

Charles W. Westerman
City Clerk

I, Charles W. Westermn, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above ordinance in the dasignated places as stated on May 29, 1981.

Charles W. Wasteran
City Clerk

5/30 6/6

1 columns wide equals 109 equivalent lines at .276¢ $30.08

r line

notices containing rule or tabular work (50 per cent of above amount)

fs of publication (50 cents for each proof in excess of two) 12 extra 6.00

OUNT OF CLAIM. $36.08

mn 9.6 picas Size of type 6 point

2 Size of quad upon which type is cast 6

ties of Ch. 89., Acts 1967.

count is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same

D. Roose

Title CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undetsigned D. ROOSE who, being duly sworn, says that she is CLERK of the NEWS-SENTINEL a DAILY newspaper of general circulation printed and published in the English language in the city town of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times the dates of publication being as follows:

5/30 - 6/6/81

D. Roose

Subscribed and sworn to before me this 6th day of June 19 81

Anne M. Perkins
Notary Public

My commission expires November 29, 1981

Form Prescribed by State Board of Accounts

General Form No. 99 P(Rev. 1967)

Common Council of Fort Wayne
(Governmental Unit)

To NEWS-SENTINEL Dr.

Allen County, Ind

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

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COMPUTION OF CHARGES

109 lines, 1 cents per line columns wide equals 109 equivalent lines at .276¢	$30.08
Additional charge for notices containing rule or tabular work (50 per cent of above amount)	
Charge for extra proofs of publication (50 cents for each proof in excess of two) 12 extra	6.00
TOTAL AMOUNT OF CLAIM.	$36.08

DATA FOR COMPUTING COST

Width of single column 9.6 picas

Size of type 6 point

Number of insertions 2

Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

D Roose

Date June 6, 19 81

Title CLERK

Form 903

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned D. ROOSE who, being duly sworn, says that he is CLERK of the NEWS-SENTINEL a DAILY newspaper of general circulation printed and published in the English language in the city town of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times, the dates of publication being as follows:

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Subscribed and sworn to before me this 6th day of June 19 81

Anne M. Perkins
Notary Public

My commission expires November 29, 1981

Mrs. G.W. Matson
(Paula Bailey)

...rch and greeted guests ...at Pine Valley Country ...rt Rohbos, 8132 Manor ...r parents are Dr. and ...l Mr. and Mrs. William Coxsackie, N.Y. Lori ...as maid of honor and Connell and Sue Mohr ...lesmaids. Bob Rajsky ...ian and Jamison Roubos ...Venos ushered. After a ...ip to Nassau, Bahamas, ...will live in Algen, Pa.

...lette-Kilbride

...bride Collete and Er... ...ch, Conn., and repeated ...lete were married May ...ing vows in a 4 p.m. cer... ...ray in Apostolic Jesus ...rch. Cindy Cwiklo was ...honor in today's cere... ...Melissa Marshall was ...room's honor attendant. ...he wedding party were ...Twigg, Melissa Kil... ...d Wise, Charles Kil... ...uel Kilbride and Naomi ...he bride is the daughter ...e Twigg, Pawcatuck, ...

Form Prescribed by State Board of Accounts

General Form No. 99 P (Rev. 1967)

Common Council of Fort Wayne

(Governmental Unit)

Allen County, Ind.

To JOURNAL-GAZETTE Dr.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

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cents per line

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I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana do hereby cerrity that Bill No. S-81-04-25 — Special Ordinance No. S-120-81; Bill No. G-81-03-43 (as amended) — General Ordinance No. G-08-81; Bill No. Z-81-03-33 — Zoning Map Ordinance No. Z-13-81; and Bill No. Z-81-03-34 (as amended) — Zoning Map Ordinance No. Z-14-81, were passed by the Common Council on the 12th day of May, 1981, said Ordinances were signed and approved by the Mayor on the 22nd day of May, 1981, and remains on file and on record in my office.

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Charles W. Westerman

City Clerk

I, Charles W. Westermn, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above ordinance in the designated places as stated on May 29, 1981.

Charles W. Westeran
City Clerk

5/30 6/6

work (50 per cent of above amount)

proof in excess of two) 6.00

$ 36.08

OUNT OF CLAIM.

nn 9.6 picas Size of type 6 point

2 Size of quad upon which type is cast 6

ies of Ch. 89., Acts 1967.

count is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same

Arvilla DeWald

Title CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the JOURNAL-GAZETTE a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA town in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times, the dates of publication being as follows:

5/30 - 6/6/81

Arvilla DeWald

Subscribed and sworn to before me this 6th day of June, 19 81

Anne M. Burkins
Notary Public

My commission expires November 29, 1981

Form Prescribed by State Board of Accounts

General Form No. 99 P (Rev. 1967)

Common Council of Fort Wayne

(Governmental Unit)

Allen County, Ind.

To JOURNAL-GAZETTE Dr.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

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Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two) 6.00

TOTAL AMOUNT OF CLAIM. $ 36.08

DATA FOR COMPUTING COST

Width of single column 9.6 picas

Size of type 6 point

Number of insertions 2

Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Arvilla DeWald

Date June 6, 19 81

Title CLERK

Form 904

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the JOURNAL-GAZETTE a DAILY newspaper of general circulation printed and published in the English language in the city town of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times, the dates of publication being as follows:

5/30 - 6/6/81

Arvilla DeWald

Subscribed and sworn to before me this 6th day of June 19 81

Anne M. Perkins
Notary Public

My commission expires November 29, 1981

Bankruptcy
A fresh start may be possible for you! Call for appointment or price schedule: The Legal Clin-
Mon.-Fri. 10 a.m.-12 p.m.
Sat. 12-8 p.m.
$5 OFF WITH AD